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**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:10-cv-00641-RBW**

ELECTRONIC FRONTIER FOUNDATION v.
DEPARTMENT OF JUSTICE
Assigned to: Judge Reggie B. Walton
Cause: 05:552 Freedom of Information Act

Date Filed: 04/26/2010
Date Terminated: 07/30/2010
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**ELECTRONIC FRONTIER
FOUNDATION**

represented by **David L. Sobel**
1818 N Street, NW
Suite 410
Washington, DC 20036
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Email: sobel@att.net
ATTORNEY TO BE NOTICED

V.

Defendant

DEPARTMENT OF JUSTICE

represented by **Mercedeh Momeni**
U.S. ATTORNEY'S OFFICE
Civil Division
555 Fourth Street, NW
Washington, DC 20530
(202) 307-0821
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Brian P. HudakU.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA

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Email: brian.hudak@usdoj.gov

TERMINATED: 09/02/2010

Date Filed	#	Docket Text
04/26/2010	<u>1</u>	COMPLAINT against DEPARTMENT OF JUSTICE (Filing fee \$ 350, receipt number 4616029237) filed by ELECTRONIC FRONTIER FOUNDATION. (Attachments: # <u>1</u> Civil Cover Sheet)(tr) (Entered: 04/26/2010)
04/26/2010	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by ELECTRONIC FRONTIER FOUNDATION identifying Corporate Parent NONE for ELECTRONIC FRONTIER FOUNDATION. (tr) (Entered: 04/26/2010)
04/26/2010		SUMMONS (3) Issued as to DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (tr) (Entered: 04/26/2010)
05/24/2010	<u>3</u>	NOTICE of Appearance by Brian P. Hudak on behalf of DEPARTMENT OF JUSTICE (Hudak, Brian) (Entered: 05/24/2010)
05/25/2010	<u>4</u>	Consent MOTION for Extension of Time to File Answer <i>and/or Otherwise Respond to the Complaint</i> by DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Hudak, Brian) (Entered: 05/25/2010)
05/29/2010		MINUTE ORDER granting <u>4</u> Motion for an Enlargement of Time. The Court having considered the defendant's Consent Motion for an Enlargement of Time, and it appearing to the Court that there is good cause to grant the relief requested therein based upon the consent of the plaintiff as represented to the Court by the defendant, it is ORDERED that the motion is GRANTED. It is further ORDERED that the defendant shall file its answer or otherwise respond to the plaintiff's complaint on or before June 25, 2010. Signed by Judge Reggie B. Walton on 5/28/2010 (lcrbw1). (Entered: 05/29/2010)
06/01/2010		Set/Reset Deadlines: Answer or otherwise respond to complaint on or before 6/25/2010, (mpt,) (Entered: 06/01/2010)

06/23/2010	5	Consent MOTION for Extension of Time to File Answer <i>and/or Otherwise Respond to the Complaint</i> by DEPARTMENT OF JUSTICE (Attachments: # 1 Text of Proposed Order)(Hudak, Brian) (Entered: 06/23/2010)
06/29/2010		MINUTE ORDER granting 5 Motion for an Enlargement of Time. The Court having considered the defendant's Consent Motion for an Enlargement of Time, and it appearing to the Court that there is good cause to grant the relief requested therein based upon the consent of the plaintiff as represented to the Court by the defendant, it is ORDERED that the motion is GRANTED. It is further ORDERED that the defendant shall file its answer or otherwise respond to the plaintiff's complaint on or before June 30, 2010. Signed by Judge Reggie B. Walton on 6/28/2010 (lcrbw1). (Entered: 06/29/2010)
06/29/2010		Set/Reset Deadlines: Answer or otherwise respond to the complaint by 6/30/2010, (mpt,) (Entered: 06/29/2010)
06/30/2010	6	ANSWER to 1 Complaint by DEPARTMENT OF JUSTICE.(Hudak, Brian) (Entered: 06/30/2010)
07/14/2010	7	ORDER. The parties in this matter shall appear before the Court at 11:30 a.m. on July 28, 2010, for a status conference. Signed by Judge Reggie B. Walton on 7/14/2010 (lcrbw1). (Entered: 07/14/2010)
07/14/2010		Set/Reset Hearings: Status Conference set for 7/28/2010 11:30 AM in Courtroom 16 before Judge Reggie B. Walton. (mpt,) (Entered: 07/14/2010)
07/28/2010	8	ORDER. The parties shall file a status report on or before August 30, 2010, and every thirty days thereafter until otherwise ordered by the Court, apprising the Court as to the status of the government's efforts to respond to the plaintiff's document request under the Freedom of Information Act, 5 U.S.C. § 552 (2006). Furthermore, the case is administratively closed until further notice from the Court, and the parties shall appear before the Court for a status conference at 9:00 a.m. on January 12, 2011. Signed by Judge Reggie B. Walton on 7/28/2010 (lcrbw1). (Entered: 07/28/2010)
07/28/2010		Minute Entry for proceedings held before Judge Reggie B. Walton: Status Conference held on 7/28/2010, (Status Conference set for 1/12/2011 09:00 AM in Courtroom 16 before Judge Reggie B. Walton.). (Court Reporter Cathryn Jones.) (mpt,) (Entered: 07/28/2010)
08/30/2010	9	STATUS REPORT (<i>First Status Report</i>) by DEPARTMENT OF JUSTICE. (Hudak, Brian) (Entered: 08/30/2010)
09/02/2010	10	NOTICE OF SUBSTITUTION OF COUNSEL by Mercedeh Momeni on behalf of DEPARTMENT OF JUSTICE Substituting for attorney Brian P. Hudak (Momeni, Mercedeh) (Entered: 09/02/2010)

09/29/2010	<u>1</u> <u>1</u>	STATUS REPORT by DEPARTMENT OF JUSTICE. (Momeni, Mercedeh) (Entered: 09/29/2010)
01/07/2011	<u>1</u> <u>2</u>	STATUS REPORT (<i>Third</i>) by DEPARTMENT OF JUSTICE. (Momeni, Mercedeh) (Entered: 01/07/2011)
01/11/2011		MINUTE ORDER. The Court having reviewed the defendant's Third Status Report filed on January 7, 2011, and it appearing to the Court that it is premature to hold a status conference in this case in light of the defendant's representations that the Office of Information Policy is continuing its efforts to review responsive information and that such review will not be completed until March 15, 2011, it is ORDERED that the status conference originally scheduled for 9:00 a.m. on January 12, 2011, is now scheduled for 2:00 p.m. on March 18, 2011. Signed by Judge Reggie B. Walton on 1/11/2011 (lcrbw1). (Entered: 01/11/2011)
01/11/2011		Set/Reset Hearings: Status Conference reset for 3/18/2011 02:00 PM in Courtroom 16 before Judge Reggie B. Walton. (mpt,) (Entered: 01/11/2011)
02/07/2011	<u>1</u> <u>3</u>	STATUS REPORT (<i>Fourth</i>) by DEPARTMENT OF JUSTICE. (Momeni, Mercedeh) (Entered: 02/07/2011)
03/08/2011	<u>1</u> <u>4</u>	STATUS REPORT (<i>Fifth</i>) by DEPARTMENT OF JUSTICE. (Momeni, Mercedeh) (Entered: 03/08/2011)
03/18/2011		Minute Entry for proceedings held before Judge Reggie B. Walton: Status Conference held on 3/18/2011. A Further Status Conference is set for 11/17/2011 at 10:00 AM in Courtroom 16 before Judge Reggie B. Walton. (Court Reporter Cathryn Jones) (ad) (Entered: 03/21/2011)
03/22/2011	<u>1</u> <u>5</u>	ORDER. The parties shall appear before the Court for a status conference at 10:00 a.m. on November 17, 2011. Signed by Judge Reggie B. Walton on 3/22/2011 (lcrbw1). (Entered: 03/22/2011)
03/22/2011		Set/Reset Hearings: A Status Conference is set for 11/17/2011 at 10:00 AM in Courtroom 16 before Judge Reggie B. Walton. (ad) (Entered: 03/22/2011)
03/31/2011	<u>1</u> <u>6</u>	Joint MOTION for Order <i>Establishing Briefing Schedule</i> by ELECTRONIC FRONTIER FOUNDATION (Attachments: # <u>1</u> Text of Proposed Order)(Sobel, David) (Entered: 03/31/2011)

04/05/2011		MINUTE ORDER granting 16 Motion to Establish Briefing Schedule. The Court having considered the parties' Joint Motion to Establish Briefing Schedule, and it appearing to the Court that there is good cause to grant the relief requested therein based upon the joint nature of the parties' request, it is ORDERED that the motion is GRANTED. It is further ORDERED that the defendant shall file its motion for partial summary judgment, if it intends to file such a motion, on or before June 6, 2011. It is further ORDERED that the plaintiff shall file its memorandum in opposition to the defendant's partial summary judgment motion, if it intends to oppose the defendant's motion, as well as its cross-motion for summary judgment, if it intends to file such a motion, on or before July 7, 2011. It is further ORDERED that the defendant shall file its brief in reply to the plaintiff's opposition memorandum, if it intends to file a reply brief, as well as its memorandum in opposition to the plaintiff's cross-motion for summary judgment, if it intends to oppose the cross-motion, on or before July 25, 2011. It is further ORDERED that the plaintiff shall file its brief in reply to the defendant's opposition memorandum, if it intends to file a reply brief, on or before August 15, 2011. Signed by Judge Reggie B. Walton on 4/5/2011 (lcrbw1). (Entered: 04/05/2011)
04/06/2011		Set/Reset Deadlines: Partial Summary Judgment Motion due by 6/6/11; Opposition to Partial Summary Judgment Motion and Cross Motion due by 7/7/11; Reply to Opposition to the Partial Summary Judgment Motion and Opposition to Cross Motion due by 7/25/11; Reply to Opposition to Cross Motion due by 8/15/11 (mpt,) (Entered: 04/06/2011)
06/01/2011	1 7	Consent MOTION for Extension of Time to <i>file Dispositive Motions</i> by DEPARTMENT OF JUSTICE (Momeni, Mercedeh) (Entered: 06/01/2011)
06/07/2011		MINUTE ORDER granting 17 Motion for Extension of Time. The Court having considered the defendant's Consent Motion for Extension of Time, and it appearing to the Court that there is good cause to grant the relief requested therein based upon the consent of the plaintiff as represented to the Court by the defendant, it is ORDERED that the motion is GRANTED. It is further ORDERED that the defendant shall file its motion for summary judgment, if it intends to file such a motion, on or before June 13, 2011. It is further ORDERED that the plaintiff shall file its memorandum in opposition to the defendant's summary judgment motion, if it intends to oppose the motion, as well as its cross-motion for summary judgment, if it intends to file such a motion, on or before July 14, 2011. It is further ORDERED that the defendant shall file its brief in reply to the plaintiff's opposition memorandum, if it intends to file such a reply, as well as its memorandum in opposition to the plaintiff's cross-motion for summary judgment, if it intends to oppose the motion, on or before August 1, 2011. It is further ORDERED that the plaintiff shall file its brief in reply to the defendant's opposition memorandum, if it intends to file such a reply, on or before August 22, 2011. It is further ORDERED that the parties shall appear before the Court for a status conference at 2:00 p.m. on November 30, 2011. Signed by Judge Reggie B. Walton on 6/7/2011 (lcrbw1). (Entered: 06/07/2011)

06/08/2011		Set/Reset Deadlines/Hearings: Motion for Summary Judgment due by 6/13/11; Opposition and Cross Motion due by 7/14/11; Reply to Opposition for Motion for Summary Judgment and Opposition to Cross Motion due by 8/1/11; Reply to Opposition to Cross Motion due by 8/22/11. Status Conference set for 11/30/2011 02:00 PM in Courtroom 16 before Judge Reggie B. Walton. (mpt,) (Entered: 06/08/2011)
06/10/2011	<u>1</u> <u>8</u>	MOTION for Extension of Time to <i>File Defendant's Dispositive Motion</i> by DEPARTMENT OF JUSTICE (Momeni, Mercedeh) (Entered: 06/10/2011)
06/14/2011	<u>1</u> <u>9</u>	NOTICE by DEPARTMENT OF JUSTICE re <u>18</u> MOTION for Extension of Time to <i>File Defendant's Dispositive Motion</i> (Momeni, Mercedeh) (Entered: 06/14/2011)
06/15/2011	<u>2</u> <u>0</u>	MOTION for Summary Judgment (<i>Partial</i>) by DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Declaration OIP (Brinkmann) Decl., # <u>2</u> Exhibit OIP Exhs. (includes Vaughn Index), # <u>3</u> Declaration CRM (Ellis) Decl., # <u>4</u> Exhibit CRM Vaughn Index, # <u>5</u> Exhibit CRM Exhs., # <u>6</u> Exhibit MSJ Exh. (email re: Exemption 6))(Momeni, Mercedeh) (Entered: 06/15/2011)
06/16/2011	<u>2</u> <u>1</u>	ERRATA by DEPARTMENT OF JUSTICE <u>20</u> MOTION for Summary Judgment (<i>Partial</i>) MOTION for Summary Judgment (<i>Partial</i>) filed by DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Declaration OIP (Brinkmann) Decl. corrected)(Momeni, Mercedeh) (Entered: 06/16/2011)
06/17/2011		MINUTE ORDER granting <u>18</u> Motion for Extension of Time. The Court having considered the defendant's Motion for Extension of Time, and it appearing to the Court that there is good cause to grant the relief requested therein based upon the consent of the defendant as represented to the Court by the plaintiff, it is ORDERED that the motion is GRANTED nunc pro tunc to June 10, 2011. Signed by Judge Reggie B. Walton on 6/17/2011 (lcrbw1). (Entered: 06/17/2011)
07/08/2011	<u>2</u> <u>2</u>	Consent MOTION for Extension of Time to File Response/Reply by ELECTRONIC FRONTIER FOUNDATION (Attachments: # <u>1</u> Text of Proposed Order)(Sobel, David) (Entered: 07/08/2011)
07/08/2011		MINUTE ORDER granting <u>22</u> Motion for Extension of Time. The Court having considered the plaintiff's Consent Motion for Extension of Time, and it appearing to the Court that there is good cause to grant the relief requested therein based upon the consent of the defendant as represented to the Court by the plaintiff, it is ORDERED that the motion is GRANTED. It is further ORDERED that the plaintiff shall file its memorandum in opposition to the defendant's summary judgment motion, if it intends to oppose the motion, as well as its cross-motion for summary judgment, if it intends to move for summary judgment, on or before July 18, 2011. Signed by Judge Reggie B. Walton on 7/8/2011 (lcrbw1). (Entered: 07/08/2011)

07/11/2011		Set/Reset Deadlines: Opposition to Motion for Summary Judgment and if filing of Cross Motion due by 7/18/2011. (mpt,) (Entered: 07/11/2011)
07/18/2011	2 3	Memorandum in opposition to re 20 MOTION for Summary Judgment (<i>Partial</i>) MOTION for Summary Judgment (<i>Partial</i>) filed by ELECTRONIC FRONTIER FOUNDATION. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Statement of Facts (Response), # 8 Text of Proposed Order)(Sobel, David) (Entered: 07/18/2011)
07/18/2011	2 4	Cross MOTION for Partial Summary Judgment by ELECTRONIC FRONTIER FOUNDATION (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Statement of Facts, # 8 Text of Proposed Order) (Sobel, David) (Entered: 07/18/2011)
07/22/2011	2 5	Joint MOTION for Extension of Time to <i>Revise Briefing Schedule and Proposed Order</i> by DEPARTMENT OF JUSTICE (Momeni, Mercedeh) (Entered: 07/22/2011)
07/27/2011		MINUTE ORDER granting 25 Motion for Extension of Time. The Court having considered the parties' Joint Motion for Extension of Time, and it appearing to the Court that there is good cause to grant the relief requested therein based upon the joint nature of the parties' request, it is ORDERED that the motion is GRANTED. It is further ORDERED that the defendant shall file its brief in reply to the plaintiff's opposition memorandum, if it intends to file a reply brief, as well as its opposition to the plaintiff's cross-motion for summary judgment, if the defendant intends to oppose the plaintiff's cross-motion, on or before August 19, 2011. It is further ORDERED that the plaintiff shall file its brief in reply to the defendant's opposition memorandum, if it intends to file a reply brief, on or before September 6, 2011. Signed by Judge Reggie B. Walton on 7/27/2011 (lcrbw1). (Entered: 07/27/2011)
07/29/2011		Set/Reset Deadlines: Defendant's reply to plaintiff's opposition and it's opposition to plaintiff's cross motion due by 8/19/11. Plaintiff's reply to defendant's opposition due by 9/6/11. (mpt,) (Entered: 07/29/2011)
08/18/2011	2 6	MOTION for Extension of Time to File Response/Reply as to 24 Cross MOTION for Partial Summary Judgment by DEPARTMENT OF JUSTICE (Momeni, Mercedeh) (Entered: 08/18/2011)
08/18/2011	2 7	MOTION for Extension of Time to <i>File Reply in Support of Defendant's Motion for Partial Summary Judgment</i> by DEPARTMENT OF JUSTICE (Momeni, Mercedeh) (Entered: 08/18/2011)
08/19/2011	2 8	NOTICE by DEPARTMENT OF JUSTICE re 27 MOTION for Extension of Time to <i>File Reply in Support of Defendant's Motion for Partial Summary Judgment</i> , 26 MOTION for Extension of Time to File Response/Reply as to 24 Cross MOTION for Partial Summary Judgment (Momeni, Mercedeh) (Entered: 08/19/2011)

08/23/2011		MINUTE ORDER granting 26 Motion for Extension of Time; granting 27 Motion for Extension of Time. The Court having considered the defendant's Motion for Extension of Time, and it appearing to the Court that there is good cause to grant the relief requested therein based upon the consent of the plaintiff as represented to the Court by the defendant, it is ORDERED that the motion is GRANTED. It is further ORDERED that the defendant shall file its brief in reply to the plaintiff's opposition memorandum, if it intends to file a reply brief, as well as its memorandum in opposition to the plaintiff's cross-motion for partial summary judgment, if it intends to oppose the plaintiff's cross-motion, on or before August 24, 2011. Signed by Judge Reggie B. Walton on 8/23/2011 (lcrbw1). (Entered: 08/23/2011)
08/24/2011	2 9	MOTION for Extension of Time to <i>and Revision of Briefing Schedule</i> by DEPARTMENT OF JUSTICE (Attachments: # 1 Text of Proposed Order)(Momeni, Mercedeh) (Entered: 08/24/2011)
08/29/2011		MINUTE ORDER granting 29 Motion for Extension of Time and Revision of Briefing Schedule. The Court having considered the defendant's Motion for Extension of Time and Revision of Briefing Schedule, and it appearing to the Court that there is good cause to grant the relief requested therein based upon the consent of the plaintiff as represented to the Court by the defendant, it is ORDERED that the motion is GRANTED. It is further ORDERED that the defendant shall file its brief in reply to the plaintiff's opposition memorandum, as well as its memorandum in opposition to the plaintiff's cross-motion, if it intends to file these submissions, on or before August 30, 2011. It is further ORDERED that the plaintiff shall file its brief in reply to the defendant's opposition memorandum, if it intends to file a reply brief, on or before September 19, 2011. Signed by Judge Reggie B. Walton on 8/29/2011 (lcrbw1). (Entered: 08/29/2011)
08/29/2011		Set/Reset Deadlines: Defendant's reply to the plaintiff's opposition, as well as its memorandum in opposition to the plaintiff's cross-motion due by 8/30/11; plaintiff's reply to defendant's opposition to the cross motion due by 9/19/2011. (tg,) (Entered: 08/29/2011)
08/30/2011	3 0	Memorandum in opposition to re 24 Cross MOTION for Partial Summary Judgment filed by DEPARTMENT OF JUSTICE. (Attachments: # 1 Declaration OIP (Brinkmann) Supplemental Decl., # 2 Declaration CRM (Ellis) Supplemental Decl. & Supplemental Vaughn, # 3 Exhibit Aug. 19, 2011 Letter, # 4 Exhibit Email reply to Aug. 19, 2011 Letter)(Momeni, Mercedeh) (Entered: 08/30/2011)
08/30/2011	3 1	REPLY to opposition to motion re 20 MOTION for Summary Judgment (<i>Partial</i>) MOTION for Summary Judgment (<i>Partial</i>) filed by DEPARTMENT OF JUSTICE. (Attachments: # 1 Declaration OIP (Brinkmann) Supp. Decl., # 2 Declaration CRM (Ellis) Supp. Decl. & Vaughn Index, # 3 Exhibit Aug. 19, 2011 Letter, # 4 Exhibit Email reply to Aug. 19, 2011 Letter)(Momeni, Mercedeh) (Entered: 08/30/2011)
09/19/2011	3 2	REPLY to opposition to motion re 24 Cross MOTION for Partial Summary Judgment filed by ELECTRONIC FRONTIER FOUNDATION. (Attachments: # 1 Exhibit A, #

		2 Exhibit B)(Sobel, David) (Entered: 09/19/2011)
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